



January 31, 2002

HOUSE BILL No. 1135

DIGEST OF HB 1135 (Updated January 30, 2002 1:19 PM - DI 107)

Citations Affected: IC 12-17.2; IC 31-33; noncode.

Synopsis: Minimum standards for CCDF voucher funding. Adds minimum eligibility standards for child care providers participating in the federal child care and development fund (CCDF) voucher reimbursement program. Provides for administrative review of an action taken under the law concerning eligibility for CCDF voucher reimbursement. Allows a voucher agent to have access to certain child abuse registry information. (The introduced version of this bill was prepared by the board for the coordination of child care regulation.)

Effective: July 1, 2002.

Summers, Crawford

January 9, 2002, read first time and referred to Committee on Human Affairs.
January 30, 2002, amended, reported — Do Pass.

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HB 1135—LS 6296/DI 97+



January 31, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1135

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-3.5-4, AS ADDED BY P.L.247-2001,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 4. A provider who:

4 (1) has been convicted of a felony; or
5 (2) fails to meet the requirements set forth in sections 5 through
6 ~~12~~ **12.1** of this chapter;
7 is ineligible to receive a voucher payment.

8 SECTION 2. IC 12-17.2-3.5-4.1 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2002]: Sec. 4.1. (a) As used in this section,
11 "individual" means:

12 (1) a provider;
13 (2) if a provider provides child care in the provider's home, an
14 individual who resides with the provider and who is at least
15 eighteen (18) years of age; or
16 (3) an individual who is employed at the facility where a
17 provider provides child care.

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(b) If information obtained by a voucher agent under IC 31-33-17-6(7) indicates that an individual has been named as an alleged perpetrator, the following are ineligible to receive a voucher payment:

(1) The individual.

(2) A provider in whose home the individual resides if the provider provides child care in the provider's home.

(3) A provider that employs the individual at the facility where the provider provides child care.

SECTION 3. IC 12-17.2-3.5-5, AS ADDED BY P.L.247-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. A provider shall have:

(1) working smoke detectors that meet the standards adopted by rule for smoke detectors in licensed child care homes; and

(2) running water;

in the area of the facility where the provider provides child care.

SECTION 4. IC 12-17.2-3.5-10, AS ADDED BY P.L.247-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) A facility where a provider provides child care must have two (2) exits that:

(1) do not require passage through a:

(A) garage; or

(B) storage area;

where hazardous materials are stored;

(2) are not windows;

(3) are on different sides of the facility;

(4) are not blocked; and

(5) are operable from the inside without the use of a key or any special knowledge.

(b) A provider shall:

(1) conduct monthly documented fire drills:

(A) in accordance with ~~Article 13 of the Indiana fire code~~ the rules of the fire prevention and building safety commission; and

(B) that include complete evacuation of all:

(i) children; and

(ii) adults who provide child care;

in the facility;

(2) maintain documentation of all fire drills conducted during the immediately preceding twelve (12) month period, including:

(A) the date and time of the fire drill;

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- (B) the name of the individual who conducted the fire drill;
- (C) the weather conditions at the time of the fire drill; and
- (D) the amount of time required to fully evacuate the facility;

in each facility where the provider provides child care; and

- (3) keep a two and one-half (2 1/2) pound or greater ABC multiple purpose fire extinguisher, which must be located on each floor of the building in which child care services are provided, including an additional extinguisher located in the kitchen area of the provider's home.

SECTION 5. IC 12-17.2-3.5-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11.1. (a) A provider shall maintain and annually update documentation provided by the physician of each child who is cared for in a facility where the provider provides child care that the child has received complete age appropriate immunizations as determined by the state department of health.

(b) A provider meets the requirement of subsection (a) if:

(1) a child's parent:

(A) objects to immunizations for religious reasons; and

(B) provides documentation of the parent's objection; or

(2) the child's physician provides documentation of a medical reason that the child should not be immunized;

and the provider maintains and annually updates the documentation provided by the parent or physician under this subsection.

SECTION 6. IC 12-17.2-3.5-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12.1. (a) A provider shall, at the provider's expense, provide to the voucher agent a copy of drug testing results for:

(1) the provider;

(2) if the provider provides child care in the provider's home, any individual who resides with the provider and who is at least eighteen (18) years of age; and

(3) an individual who is employed at the facility where the provider provides child care.

(b) If the drug testing results provided under subsection (a) indicate the presence of an illegal controlled substance, the provider is ineligible to receive a voucher payment.

SECTION 7. IC 12-17.2-3.5-14 IS ADDED TO THE INDIANA



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CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2002]: **Sec. 14. (a) Notice of a determination made under this chapter must be provided under IC 4-21.5-3-6.**

(b) A person affected by a determination made under this chapter may seek administrative review under IC 4-21.5-3-7.

SECTION 8. IC 31-33-17-6, AS AMENDED BY P.L.36-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. Upon request, a person or an organization may have access to information contained in the registry as follows:

(1) A law enforcement agency or local child protective service may have access to a substantiated report.

(2) A person may have access to information consisting of an identifiable notation of a conviction arising out of a report of child abuse or neglect.

(3) Upon submitting written verification of an application for employment or a consent for release of information signed by a child care provider, a person or an agency may obtain the following information contained in the child abuse registry regarding an individual who has applied for employment or volunteered for services in a capacity that would place the individual in a position of trust with children less than eighteen (18) years of age or regarding a child care provider who is providing or may provide child care for the person's child:

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.

(B) Whether criminal charges were filed against the applicant, volunteer, or child care provider based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the applicant, volunteer, or child care provider based on a report of child abuse or neglect in which the applicant, volunteer, or child care provider is named as the alleged perpetrator.

(4) A person may have access to whatever information is contained in the registry pertaining to the person, with protection for the identity of:

(A) the person who reports the alleged child abuse or neglect; and

(B) any other appropriate person.

(5) A person or an agency to whom child abuse and neglect

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reports are available under IC 31-33-18 may also have access to information contained in the registry.

(6) If a child care provider provides child care in the provider's home, upon submitting a consent for release of information signed by an individual who is at least eighteen (18) years of age, who resides with the child care provider, and who may have direct contact with children for whom the provider provides child care, a person may obtain the following information contained in the child abuse registry regarding the individual:

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges were filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

(7) A voucher agent (as defined in IC 12-17.2-3.5-2) may have access to the following information contained in the registry regarding an individual (as defined in IC 12-17.2-3.5-4.1) for purposes of determining the eligibility of a child care provider to receive a voucher payment (as defined in IC 12-17.2-3.5-3):

(A) Whether a child has been found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges have been filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

The voucher agent shall not disclose information obtained under this subdivision.

SECTION 9. [EFFECTIVE JULY 1, 2002] IC 12-17.2-3.5-10, as amended by this act, applies to a provider that begins receiving voucher payments after June 30, 2002.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1135, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 22, after "garage;" insert "**or**".

Page 2, delete line 23.

Page 2, line 24, delete "(C)" and insert "**(B)**".

Page 2, between lines 24 and 25, begin a new line block indented and insert "**where hazardous materials are stored;**".

Page 2, line 25, delete "and".

Page 2, line 26, delete "." and insert ";".

Page 2, between lines 26 and 27, begin a new line block indented and insert:

"(4) are not blocked; and

(5) are operable from the inside without the use of a key or any special knowledge."

Page 2, line 35, delete "and".

Page 3, line 2, delete "care." and insert "care; **and**

(3) keep a two and one-half (2 1/2) pound or greater ABC multiple purpose fire extinguisher, which must be located on each floor of the building in which child care services are provided, including an additional extinguisher located in the kitchen area of the provider's home."

and when so amended that said bill do pass.

(Reference is to HB 1135 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 13, nays 0.

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